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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
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11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 JERMAINE SMITH,

15 Defendant.
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Case No. 2:09-cr-00114-KJD-GWF

ORDER

17 Before the Court for consideration is the Findings and Recommendations (#26) of Magistrate
18 Judge George W. Foley, Jr. entered August 14, 2009, recommending that Defendant's Motion to
19 Suppress Evidence for Fourth Amendment Violation (#19) be denied. Objections (#29) to the
20 Magistrate Judge's Findings and Recommendations were timely filed by Defendant JERMAINE
21 SMITH pursuant to Local Rule IB 3-2 of the Local Rules of Practice of the United States District
22 Court of the District of Nevada. The Government filed a response in opposition (#30) to the
23 objections to which Defendant replied (#31). The Court has also considered the Government's
24 Surreply (#32) and Defendant's Notice of Supplementary Authority (#33).

25 The Court has conducted a *de novo* review of the record in this case in accordance with 28
26 U.S.C. § 636(b)(1) and LR IB 3-2. The Court determines that the Findings and Recommendations

1 (#26) of the United States Magistrate Judge entered August 14, 2009, should be **ADOPTED** and
2 **AFFIRMED**. Defendant's objections were timely filed. The Magistrate Judge correctly concluded
3 that Defendant's flight was an intervening event which purged the taint of the allegedly unlawful
4 seizure.

5 IT IS THEREFORE ORDERED that the Magistrate Judge's Findings and Recommendations
6 (#26) entered August 14, 2009, are **ADOPTED** and **AFFIRMED**, and Defendant's Motion to
7 Suppress Evidence for Fourth Amendment Violation (#19) is **DENIED**.

8 DATED this 14th day of September 2009.
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12 Kent J. Dawson
13 United States District Judge
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